

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Randall Joseph Eade, ) C/A No. 6:12-1087-JFA-KFM  
vs. )  
Plaintiff, )  
Officer Roger Johnson, ) ORDER  
Defendant. )  
\_\_\_\_\_ )

The *pro se* plaintiff, Randall Joseph Eade, is a pretrial detainee at the Charleston County Detention Center. He brings this action pursuant to 42 U.S.C. § 1983<sup>1</sup> claiming various constitutional violations regarding his medical needs and safety and also with his pending state criminal case. He seeks both monetary and injunctive relief.

The Magistrate Judge assigned to this action<sup>2</sup> has prepared a Report and Recommendation and opines that the complaint fails to state a claim under § 1983 as to defendant Sheriff Cannon and CCOH (the medical provider), and thus these two defendants should be summarily dismissed.

The plaintiff was also advised of his right to file objections to the Report and Recommendation, which was entered on the docket on May 24, 2012. However, the plaintiff

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<sup>1</sup> The plaintiff has filed this action *in forma pauperis* under 28 U.S.C. § 1915.

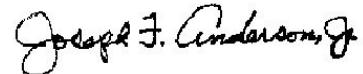
<sup>2</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, the copy of the Report mailed to the plaintiff on May 25, 2012, was returned to the Clerk of the Court on June 4, 2012, marked “undeliverable” and “postage due.” The Clerk then remailed the Report to the plaintiff on June 4, 2012. That second mailing was also returned from the Postmaster on June 20, 2012, marked “Undeliverable/Attempted Not Know/Return.”

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation proper and incorporated herein by reference. Accordingly, defendants Sheriff Al Cannon and CCOH [Carolina Center for Occupational Health] Medical Provider are dismissed from this action for failure to state a claim.

The Magistrate Judge has authorized service on the remaining defendants and therefore, this matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

June 26, 2012  
Columbia, South Carolina